United Nations CEDAW/C/ARG/7

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
2 March 2015
English
Original: Spanish

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention

Seventh periodic report of States parties due in 2014

Argentina*

[Date received: 28 January 2015]

* The present report is being issued without official editing.

15-03074 (E) 020315 210415

Please recycle

This is the seventh periodic report produced by the Argentine Government pursuant to the commitments arising from the Convention on the Elimination of All Forms of Discrimination against Women. It describes the status of the areas covered by the Convention; and it refers to the concluding observations made by the Committee on the Elimination of Discrimination against Women (CEDAW) on our country's the sixth periodic report, and to those formulated when the follow-up report for 2012 was submitted. The Argentine Republic has reported progress and achievements in terms of women's rights, as well as the challenges that we have assumed in fulfilling the CEDAW Convention and its Optional Protocol.

The present report covers the period since the aforementioned reports until the date of its presentation, and is generally framed by the Common Core Document updated by our country in May this year. That document contains general information on Argentina, including its demographic, economic, social and cultural characteristics; and it describes the country's constitutional, political and judicial structure. It also updates the status of our country's adherence to and ratification of international laws on human rights and sets out the national legal framework for promoting and protecting rights.

The seventh periodic report to the CEDAW Committee gives us the chance to highlight major achievements, founded on the further development of a political, social and economic model based on productive growth with inclusion, where human rights have been pillars of public policies, placing our country at the forefront of expanding women's civil and social rights and their political participation in the region (CEDAW Articles 4,7, 8, 11 and 13).

The Argentine Government has launched a root-and-branch reform of its legislation; it has passed a new National Civil and Commercial Code, which will enter into force on 1 August 2015;[1] and it promulgated the National Code of Criminal Procedure under Law 27.063 of 9 December 2014, which has been reducing time taken by legal proceedings and is giving victims a more protagonist role. These laws supplement the group of laws to combat discrimination and expand rights, such as the Gender Identity Act and Egalitarian Matrimony Act, among others, which, when accompanied by public policies for women, have responded to the observations and recommendations made to our country at the time by your Committee (CEDAW Articles 1 2 ,3 and 16).[2]

Significant progress against gender violence was made with the passing of Law 26.485 in 2009, to provide comprehensive protection as a means of preventing, punishing and eradicating violence against women within the scope of interpersonal relations; Regulatory Decree 1011/2010, which makes a qualitative improvement to the law by incorporating the mandates of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (CEDAW Article 2 and CEDAW Committee General Recommendation 19).

Argentina joins the eight Latin American countries that have incorporated the concept of femicide into their legislation. Article 80 of the Argentine Penal Code, on homicide, includes femicide as an aggravating factor, carrying a sentence of life

[1] See: http://www.infoleg.gob.ar/infolegInternet/anexos/235000-239999/235975/norma.htm

[2] Egalitarian Matrimony Law http://www.infoleg.gov.ar/wp-content/uploads/2013/11/8842012. Gender Identity Law, L. 26.743 pdfhttp://www.infoleg.gob.ar/infolegInternet/verNorma.do?id=197860

imprisonment. In addition, article 132 of that law was repealed, which maintained the concept of compromise (*avenimiento*), reprieving the rapist from the sentence if the victim agreed to marry him. (CEDAW Articles 2, 6 and General Recommendation No. 19 of the CEDAW Committee).

With regard to the trafficking of women, Law 26.364 was passed in 2008, on the prevention and punishment of human trafficking and victim assistance; this was then amended by Law 26.842 in 2012, to correct discrepancies arising from a failure to consider the victims' consent, and the creation of the Federal Committee to Combat Trafficking. This provides a new institutional framework and coordination at the national government level in combating trafficking, and has resulted in the rescue of more than 7,000 women victims of this crime since 2008 (CEDAW Articles 2 and 6).

With respect to women's autonomy, poverty reduction, access to resources, reforms to the pension system and the Early Retirement and Pension Moratorium Act of 2007 made it possible to include over 2 million women most of whom were housewives. Currently, a new pension moratorium provides for the incorporation of a further 500,000 new affiliates and will last until 2015. This coverage is complemented with other resources, such as the Universal Child Benefit and Pregnancy Subsidy (AUH); the *Progresar* programme for students, 60% of whom are women; the *Argentina Trabaja* Social Income with Work Programme (54% women) and, in that context, the ELLAS HACEN programme which has over 100,000 women affiliates; and the National Microcredit Fund with over 60% women account holders. This is merely a sample of the multiple approaches, coverages and strategies being pursued by the Argentine Government to promote the social and economic inclusion of women (CEDAW Articles 10,11, and 13). **(See Annex I – 1st Report – Background, creation and first stage of ELLAS HACEN, April 2014)**

In terms of conquests on labour rights, Law 26.844 creating the special employment contract regime for persons employed in private homes, gave women working in domestic service the same status as other workers, in terms of enjoying the rights provided for in the Employment Contract Act, and made it compulsory to take out employment risk insurance (CEDAW Article 11).

On education, there has been a major expansion of female enrolments at all levels, particularly in higher education, and in science and technology. Equal access for men and women to programmes such as *Conectar Igualdad*, which delivered over 4.7 million notebooks to secondary school students, puts Argentina at the forefront of technology access in education. Programmes such as the Primary and Secondary School Completion Plan (FINES), of the National Ministry of Education, for the completion of school studies, with over 500,000 graduates of whom over half are women. Initiatives such as Popular Gender Training Schools and the Gender Diploma Course, both of the National Women's Council,[3] the *Ellas Saben* Diploma Course, and the Gender Diploma Course of the Ministry of Defence, all contribute to mainstreaming gender through education (CEDAW Article 10).

In the health sphere the challenges are: to further reduce maternal mortality, improve access to sex education, and prevent unplanned teenage pregnancy. We have made progress in terms of public policies promoting the coverage and inclusion of women, with the National Sexual Health and Responsible Parenthood

[3] Hereinafter referred to as the CNM.

Programme, and countrywide access to further information through the "0800-Salud" phone line. The SUMAR programme covers 9.5 million people (women, adolescents, and children up to nine years of age). All titular recipients of the Universal Benefits (AU) and of the *Progresar* programme, who are not covered by the *Obra Social* social health system, have free access to care and prevention services in respect of breast, cervical, and uterine cancer, along with other comprehensive health services. The passing in 2013 of Law 26.862 on assisted fertilization, allows all women free access to all scientific methods of fertilization. A complete immunization calendar includes the vaccine against HPV for 10-year-old girls, as a free and compulsory provision, whether or not they are covered by the *Obra Social* system, available in all immunization units and public hospitals across the country (CEDAW Article 12).

The Argentine Government recognizes and is addressing the outstanding challenges, which include more in-depth development of the Gender Statistics System, an ambitious system for unified registration of cases of violence, the difficulty of which stems from the complexity inherent in data collection systems in a federal country. The first results of the agreement signed with the CNM and INDEC will be available in late 2014. This tool will be added to the official data provided by the judiciary, the government and INDEC, the provincial statistics institutes, and other data which are published in the reports on the Millennium Development Goals and the Beijing Platform for Action, among others. Another advance in the statistics field is the use-of-time survey, compiled by INDEC, which confirms that practices in domestic work and the care economy are not shared equally between men and women.[4]

The challenges include improving geographical equity in access to justice and comprehensive care services for women, particularly for the most vulnerable, and encouraging greater political participation in decision-making posts, particularly in the municipal domains. The CNM Institutional Strengthening Programme, which in 2010 had just 300 Municipal Women's Areas set up, with technical support and financing, now has 750, out of a total of over 2,000 municipalities (CEDAW Articles 2, 7 and 8).

The multiplicity of causes of discrimination and violence against women raises the need to dismantle patriarchal and *machismo* cultural models of society, hence the commitment to expand and strengthen institutional campaigns to disseminate and raise awareness on women's rights. Far-reaching campaigns include *Sácale Tarjeta Roja al Maltratador* [Show the abuser the red card], *260 Hombres contra la Violencia* [260 men against violence], *El Valiente no es Violento* [A brave man is not violent]; *Decile No a la Trata* [Say no to trafficking], among others. The new Audiovisual Media Act, together with other mechanisms created, such as the Office of the Public Ombudsperson, the Observatory of Discrimination in the Media, and the Network against Gender Violence promoted by the CNM and sponsored by the United Nations, are tools for building a new non-discriminatory and more egalitarian culture (CEDAW Articles 5 and 10).

[4] *Source*: http://www.indec.mecon.ar/uploads/informesdeprensa/tnr_07_14.pdf

Obligations of the States parties and appropriate measures in all fields — political, social, economic and cultural, including legislation

Articles 1, 2 and 3

1. Men and women in the Argentine Republic are absolutely equal before the law: there is no legal discrimination of any kind in terms of civil, political, social, economic or cultural rights.

2. Our country abides by international laws on the promotion and protection of human rights,[5] including the Convention on the Elimination of All Forms of Discrimination against Women, which has constitutional rank (Article 75, paragraph 22). In addition, the Optional Protocol to CEDAW was ratified in 2006, and there is in Argentine case currently being dealt with by the Committee.

3. Our country also participated in the Fourth World Conference on Women (Beijing, 1995); and it periodically produces reports on the application of the 12 critical areas of the Platform for Action, the most recent report having been submitted in the first half of this year.

4. At the regional level, Argentina has ratified the Inter-American Convention for the Prevention, Punishment, and Eradication of Violence against Women (the Belém do Pará Convention), which celebrates its 20th anniversary this year. Raising the Convention to constitutional status has been provisionally approved by the Argentine Congress. In that connection, our country has already completed two multilateral rounds of evaluation by the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI).

5. Argentina participated in the World Conferences on Women and on Population and Development, and has adopted their Platforms for Action. In September 2013, at the United Nations, Argentina withdrew its previous reservations on the Final Programme of Action adopted at the International Conference on Population and Development, in view of the progress made in terms of laws and public policies (Cairo, 1994).

6. Argentina was one of the States that committed to the Millennium Development Goals, and it produces periodic monitoring reports on this issue, which include an overview of the situation of women.

7. Argentina participates in the various agencies of the United Nations system (Commission on the Status of Women, UN Women, the Human Rights Council, among the most important in this field); and it provides periodic information at their request. Argentina has participated actively in the successive meetings held to evaluate the Universal Periodic Review on Human Rights, which includes women's rights.

8. The Argentine Government reports to the CEDAW Committee on the case identified as CER c/Argentina- CEDAW 63/2013 in relation to the criminal case brought for sexual abuse with defilement, in the courts of the jurisdiction of the Province of Santa Fe. The CNM filed a formal response before the Ministry of

[5] These laws have constitutional rank, so they are hierarchically superior to national laws. *Source:* http://infoleg.mecon.gov.ar/infolegInternet/anexos/0-4999/804/norma.

Foreign Relations and Worship on 5 December 2014. As a result, a proposal was made to set up a dialogue mechanism with the aim of deciding on appropriate compensation to the victims. This being the first case brought before the Committee, it could create a turning point in dealing with sexual crimes perpetrated against women. Accordingly, an individual compensation agenda was agreed upon, and guarantee of non-repetition of similar cases, which is at the stage of interagency agreement and implementation. This mechanism has met twice and consists of the representatives of the victims, the CNM, the Departments of the Argentine Foreign Ministry, the Women's Directorate, the Human Rights Directorate, the Human Rights Secretariat of the Ministry of Justice and the Human Rights Secretariat of the Province of Santa Fe.

9. In terms of national laws, the most important for promoting rights with an impact on the situation of women during the period covered since the last report submitted to the CEDAW Committee include the following:

Law 26.844, the Special Employment Contract Regime for Persons Employed in Private Homes, of 13 March 2013, and its Regulatory Decree 467/2014, of 16 April 2014, regulating the domestic employees employment regime.

Repeal in 2012 of article 132 of the Penal Code, which maintained the concept of victim-initiated pardon, whereby a female rape victim could absolve her attacker from punishment for his crime by marrying him. This concept reflects an unequal power relationship for which there are no excuses. This reform made Argentina compliant with the recommendations of both the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, and the Convention on the Elimination of All Forms of Discrimination against Women.

Amendment, in 2012, of article 80 of the Penal Code, making femicide an aggravating factor in cases of homicide. Following this amendment, the maximum penalty of life imprisonment may be applied to any man who kills a woman in an act of gender-based violence. The text of the law establishes as an offence the killing of a woman "by a man" in an act of "gender-based violence", with motives for such killings including "pleasure, cupidity, racial hatred, religious hatred, hatred based on gender or sexual orientation, gender identity or its expression" where the intent is to "cause suffering to a woman which whom the man has, or in the past has had, a relationship". Sentences of ordinary or rigorous life imprisonment are also established for any man who kills "an ascendant, descendant, spouse, former spouse or the woman with whom he has, or in the past has had, a relationship, whether or not the relationship involved living together". The law establishes that "when exceptional mitigating circumstances apply, the judge may hand down a sentence of ordinary or rigorous imprisonment of between eight (8) and twenty-five (25) years" but clarifies that "this exception shall not be applicable to any man who has previously committed acts of violence against the female victim".

Act No. 26.485 was passed in 2009, providing for comprehensive protection as a means of preventing and eradicating violence against women within the scope of interpersonal relations. This law broadens the definition of violence by introducing a number of forms (physical, psychological, sexual, economic

and asset-related, and symbolic) and modalities (domestic, institutional, employment, obstetric, and in the media).

Law 26.364 for the prevention and punishment of human trafficking and victim assistance was passed in 2008, and then amended by Law 26.842 in 2012.

CEDAW Committee Recommendation No. 44: Socio-populational situation of women in relatively vulnerable groups.

10. As regards women belonging to groups in situations of greater relative vulnerability, as mentioned in Recommendation No. 44 of the CEDAW Committee's Concluding Observations on Argentina's sixth periodic report, the most recent population census conducted in 2010 incorporated new sociodemographic indicators that identify population sectors that had not been considered in the previous censuses, including: indicators related to same-sex cohabiting couples, the Afrodescendant population, persons with disabilities, and indicators on the indigenous population in addition to those that had been collected since the 2001 census.[6]

11. The 2010 census showed that 0.33% of Argentine couples are formed by persons of the same sex, mostly women, who account for 58.3% of the national total; 21% of same-sex couples have children under their care, mostly those formed by women — 35% of the 14,119 female couples, compared to 1.3% of the 10,109 couples formed by men.

12. Nearly 1 million Argentine people recorded in the census, equivalent to 2.4% of the total population, define themselves as indigenous. The largest indigenous group are the Mapuche (21.5% of the total), followed by the Toba and the Guaraní. These three peoples jointly account for 45.9% of the indigenous population. In addition, 62,642 households reported having one of their members who self-identified as Afrodescendent: 92% of this population was born in Argentina, and 8% abroad.

The 2010 census data showed that 5,114,190 people were living with some disability or permanent limitation, the majority being older adults or women: nationwide, 11.7% of men had some disability, compared to 14% of women. The most common disabilities in terms of the number of individuals affected were visual, motor, auditory and cognitive.

The CNM, in conjunction with the National Advisory Commission for the Integration of Persons with Disabilities (CONADIS), included in the programme on homes providing comprehensive protection for women in situations of violence, the adaptation of the architecture of the homes to comply with the guidelines of the National Accessibility Plan, pursuant to the mandates of Law 26.485 and the Convention on the Rights of Persons with Disabilities. Other forms of assistance and support for women with disabilities were included, such as sign-language interpreters.

[6] Full text "Nuevas temáticas y visibilización en el censo nacional de población 2010" available at http://www.mininterior.gov.ar/poblacion/pdf/poblacion_11.pdf

13. The 2010 census also showed that the Argentine population is at an advanced stage of ageing, albeit with varying intensity in the different regions of the country: 10.2% of the population is 65 years of age or older. In particular, one of the characteristics of the older adult population is the feminization of its components, owing to higher levels of male excess mortality.[7] In September 2014, the results were presented of the National Survey on the Quality of Life of Older Adults,[8] conducted in 2012 to ascertain the general living conditions of the population aged 60 and over.

14. On health issues, 83.8% of the older adults living in Argentina are covered by the *Obra Social* system, mainly the comprehensive medical care programme targeting that population group (PAMI); 6.8% use a private medical service of some kind; while 8.6% are not covered by either the private sector or the *Obra Social* system, and become potential users of the public health system.[9])[10] The structure of the National Secretariat for Children, Adolescents, and Family of the Ministry of Social Development, includes the National Department of Policies for Older Adults, which is tasked with planning and implementing specific programmes for the promotion, protection, and social integration of older adults.

15. The national government's decision to promote and protect the rights of the lesbian, gay, transgender, bisexual, and intersexual (LGTBI) population was established in Law 26.618, the Egalitarian Matrimony Act, passed in 2010. This made the rights of marriages formed by heterosexual and homosexual couples completely equal. The Civil Code of the Republic was also subject to a recent amendment that will enter into force in 2016, further modifying the concept of matrimony. These included the incorporation into the Civil Code of provisions arising from the Egalitarian Matrimony Act, which, among other things, addresses the alternative of using the paternal and/or maternal surnames when naming the children,[11] rather than the father's surname only, as still happened among different-sex couples.

16. The passing in 2012 of Law 26.73 on gender identity, recognizing each person's right to their self-perceived gender identity, not only stipulates the right to be identified according to that identity in all documents that accredit it, in relation to first name(s), image and sex; but it also provides for the possibility of changing the corresponding appearance or bodily function, through pharmacological, surgical or other methods, provided freely chosen.

17. As regards registry rectification (regulated by Decree 1007/2012, and Joint Resolutions 1/2012 and 2/2012, in the case of foreign nationals with legal residency in the country), since the start of application of the law in 2012, until October 2014, there have been 3,789 changes of gender, of which 3,295 are male-to-female gender changes, and 494 from female to male, representing 86.96% and 13.04% of the cumulative total, respectively.

---

[7] All of the tables of the 2010 census are available at: file:///C:/Documents%20and%20Settings/zip/Escritorio/Censo%202010%20Argentina.htm

[8] Available at http://www.indec.gov.ar/ftp/cuadros/sociedad/encaviam.pdf

[9] The Argentine health system consists of three subsystems: public, private, and social works.

[10] For further information: http://www.desarrollosocial.gob.ar/adultosmayores/156

[11] Surname of children, Art. 64. National Civil and Commercial Code
Source: http: //www.infojus.gob.ar/docs-f/codigo/Codigo_Civil_y_Comercial_de_la_Nacion.pdf

18. This advance made it possible to alter the national electoral roll so that in the open and mandatory primary elections of August 2013, several hundred persons voted for the first time with names representing their sexual identity.

19. In April 2014, pursuant to the National Plan against Discrimination (Decree 1086/2005), MTEySS Agreement No. 165 was signed between the Ministry of Labour and the National Institute against Discrimination, Xenophobia and Racism (INADI), to protect and promote the rights of lesbians, gays, transgendered, bisexuals, and intersexuals (LGTBI) in the employment domain. In this framework, the Informative Guide for Labour Unions was produced, to provide information resources to help nurture employment environments that respect sexual and gender diversity.[12]

20. An advisory area was created on issues related to gender and sexual diversity within the Employment Secretariat of the Ministry; and a training and employment insurance policy was designed, targeting persons in situations of unemployment whose gender identity does not coincide with the sex assigned to them at birth (MTEySS Resolution 331/2013[13]).

21. Since 2004, the Argentine Republic has been establishing a new rights paradigm with the passing of Law 25.871, which reflects Argentina's commitment to fully uphold the human rights of migrants and their families, and to provide mechanisms that make it easy for both male and female migrants to regularize their status. An initiative that responds to the rights created in Law 25.871, is the national *Patria Grande* programme for normalizing migratory documents, created in 2005 by the National Migrations Department (Provision 53.25 3/2005. This aims to engage and integrate the migrant population by making it easier for all migrants from the Southern Common Market (MERCOSUR) and associate countries to regularize their status. The Migrations Act ensures access to health, education, social assistance for the foreign population, irrespective of their migratory status; and it guarantees the right to family reunification, and non-discriminatory treatment.

CEDAW Committee Recommendations 12 and 18 on the mechanism for the advancement of women and the strengthening and articulation of gender institutions.

22. Argentina has a National Mechanism for the Advancement of Women, known as the National Women's Council (CNM), which is attached to the National Council for Social Policy Coordination of the Office of the President of the Nation. The CNM is the agency responsible for public policies on equal opportunities and treatment between men and women, with the aim of promoting sociocultural transformation based on the full and equal participation of women in the country's social, political, economic and cultural life. The CNM is also the governing body of the Prevention, Punishment, and Eradication of Violence against Women Act (Law

[12] The guide is available at http://inadi.gob.ar/promocion-y-desarrollo/publicaciones/guia-sindicatos/

[13] The text of the law is available at http://www.infoleg.gob.ar/infolegInternet/anexos/210000-214999/213578/norma.htm

26.485/09).[14] The Federal Council for Women, with representation in the provinces, operates within the agency.

23. In relation to the Committee's Recommendations 12 and 18, it should be noted that in July 2009, the Programme for the Institutional Strengthening of Provincial and Municipal Women's Areas and Civil Society Organizations was created[15] with the following objectives:

- Strengthen the social management capacity of the Provincial Women's Offices (AMPs), the Municipal Women's Offices (AMMs) and civil society organizations;
- Boost the technical capacity of the AMPs by improving their coordination with academic bodies;
- Reinforce inter-institutional coordination at the provincial and municipal levels; and
- Disseminate useful and relevant information on women's rights and on the resources available for ensuring the exercise and protection of those rights.

In 2014, steps have been taken to promote the creation and/or strengthening of 750 "Women's areas", the distribution of which the length and breadth of the country aims to maintain the weight of each region in relation to the number of municipalities operating in them; thus, for the province of Buenos Aires and the Cuyo region, a coverage of about 50% of the territory was achieved (56% and 50%, respectively); the Patagonia region achieves a coverage of 38%, NEA 36%, the NOA region over 22%, and lastly, the central region displays 16% coverage of its municipalities

The budget allocated to the National Women's Council is public information and freely accessible. The 2014 budget can be accessed online at: http://www.mecon.gov.ar/onp/html/presutexto/proy2014/jurent/pdf/P14J20.pdf

24. There is also an area specializing in women's issues within the Ministry of Foreign Relations and Worship, which consists of the Special International Representative for Women's Issues and the Women's Department. This area is responsible for monitoring the gender agenda at international level and ensuring that the international commitments entered into by the country under current treaties on women's rights are implemented.[16]

25. At the ministerial level, the following areas are related to women's issues:

- Commission on Gender Issues, Office of the Public Defence Service
- Tripartite Committee on Equal Opportunities between Men and Women in the World of Work (CTIO) and the Coordination Unit for Gender Equity and Equal Opportunities in Work (CEGIOT), Ministry of Work, Employment and Social Security.

---

[14] Further information available at: www.cnm.gov.ar

[15] The following paragraphs respond to Recommendation 18 of the Concluding Observations of the Committee on the Sixth periodic report of Argentina. [See CEDAW/C/ARG/Q/6/Add.1, E F S R C A Bitext A C F R S]

[16] Further information available at: www.mrecic.gov.ar

- Gender area of the Human Rights Secretariat and Executive Council of Prison Policies on Gender, Ministry of Justice and Human Rights.
- National Department of Human Rights, Ministry of Security
- Gender Policies Department, Ministry of Defence
- National Institute against Discrimination, Xenophobia and Racism (INADI)
- National Coordinating Committee for Actions to Develop Penalties to be Imposed in Cases of Gender Violence (CONSAVIG), National Ministry of Justice and Human Rights.

26. In terms of legislation, in 2008 the women's bench was created within the National Senate, consisting of all women senators. The bench aims to include the gender perspective in the drafting and approval of legislative bills, monitoring compliance with current regulations and providing for affirmative action measures to ensure real quality of opportunities and treatment between men and women.[17]

27. The Supreme Court of Justice of the Nation has an office specializing in gender issues, known as the Women's Office, as well as an office devoted specially to cases of domestic violence. As the present time, 13 Women's Offices are operating locally.[18]

28. Recently a mechanism was created which articulates the different areas of the three powers of state that are involved in gender issues, under the coordination of the CNM and Women's Office of the Supreme Court Justice of the Nation. This mechanism, known as the Coordination of National Government Agencies for Gender Equality, aims to articulate the work of all National State agencies, which establish, design and/or execute gender policies. To date, the mechanism is in the process of institutionalization and it will soon have its own website, a training cycle for the personnel of the agencies, and a single referral system for cases of violence.

29. In relation to CEDAW Committee Recommendations 14 and 16, the different areas involved with gender issues in the executive and judiciary are articulated, from their own standpoints, for the dissemination, promotion and protection of women's rights and, where appropriate, punishing their violation and providing assistance to victims.

Temporary special measures aimed at eliminating discrimination, modification of social and cultural patterns.

CEDAW Committee Recommendation 5, promotion of affirmative action measures.

Articles 4 and 5

As regards the modification of sociocultural patterns that reinforce stereotypes between men and women, legislative and political progress has been made on eliminating gender-based prejudices and discriminatory practices. The Argentine Government notifies the CEDAW Committee of the following:

[17] Further information available at: http://www.senado.gov.ar/parlamentario/comisiones/info/76

[18] Further information at: http://www.csjn.gov.ar/om/ y en http://www.ovd.gov.ar/ovd/,

The passing, in 2009, of Law 26.522 on audiovisual communication services, which explicitly aims to promote balanced and varied images of men and women in the media, taking account of cultural and linguistic diversity and local identities. One of the objectives of this law is to promote the protection and maintenance of equality between men and women, along with diversified, egalitarian and non-stereotyped treatment. The law defines the responsibility of producers, distributors, and issuers of programmes and/or publicity, to ensure respect for a series of national laws that include the Violence against Women Act.[19] In addition, the Federal Audiovisual Communication Authority (AFSCA) supports the promotion of a toll-free 144 phone line through Resolution 1222/13, which recommends to licence-holders, "that when they broadcast their news bulletins and news information flashes on gender violence" they should insert a footnote message stating "**if you are a victim or know someone who is suffering from gender violence call 144, 24 hours a day**." This measure has been implemented through the recent passing of a national law (**see annex II –AFSCA information and the Observatory on Discrimination in Radio and Television**).

Pursuant to Law 26.522 on audiovisual communication services, the Office of the Public Ombudsperson has been created; and since 2012 it has been safeguarding the rights of audiences in all of the country's audiovisual media, with a jurisdiction defined in article 19 of the law. It cannot impose sanctions, but it seeks dialogue, critical reflection and measures to repair the infringed rights. As regards gender issues and discrimination against women, the organization implemented the following initiatives: "Year of fight against media violence against women and gender discrimination in audiovisual media", the "Decalogue for responsible treatment of violence against women", "Monitoring of news programmes of broadcasting channels of the City of Buenos Aires", and "Ten frequently asked questions on responsible treatment of gender violence in radio and television".[20] **(See annex III - Office of the Public Ombudsman)**

30. Law 24.685, the Violence against Women Act, introduced the concept of "media violence", as defined in article 6 (f).

31. The same law refers to "symbolic violence in its article 5.5. In addition, the law gives the Secretariat for the Media responsibility for promoting the dissemination of messages through the national media system, and permanent campaigns to increase the awareness and understanding of the public at large and of women in particular.

32. Since 2006, the Observatory of Discrimination on Radio and Television has been functioning with the aim of eradicating gender stereotypes by monitoring and analysing the form and content of radio and television broadcasts that might include some type and/or form of discrimination. The Observatory prepares reports on image of women portrayed in television programmes and advertising, with a view to urging changes in audiovisual language that could present sexist content. The Sexist Publicity Report 2014 identifies at least 31 advertising spots, television, news broadcasts and radio programmes that discriminate against women.[21]

[19] *Source*: http://www.infoleg.gov.ar/infolegInternet/anexos/155000-159999/158649/norma.htm
[20] *Source*: www.defensoriadelpublico.gob.ar
[21] http://www.obserdiscriminacion.gob.ar

33. The banning of sex trade advertisements, through Presidential Decree 936/11, helps to eliminate cultural patterns that identify women's bodies as a sexual object of commerce. For that purpose, the Sex Trade Advertisements Monitoring Office was created, as part of the Ministry of Justice and Human Rights, in which the National Women's Council participates. While 87% of national and provincial graphic media monitored were found to be compliant with the law, a total of 536,246 advertisements were in a state of presumed violation. A key achievement is that from 1,024 advertisements surveyed daily in 2011, the figure had dropped to 271 per day by 2014.[22] **(See annex IV – Achievements of the Sex Trade Advertisements Monitoring Office).**

34. The National State Education Channel, "Canal Encuentro" makes a major contribution to establishing non-discriminatory attitudes towards women, by disseminating a varied range of materials on women's rights through terrestrial and digital TV, on topics such as: the passing of the Female Votes Act, the work of domestic employees, women subject to discrimination, gender violence, and maternity, among others. The National Council for Women presented the cycle of eight chapters of women's stories entitled "Se Dice de Mi". A total of 19 works with gender contents were reported in the programming grid between 2013 and 2014, in the form of cycles, reports, films and biographies.[23]

CEDAW Committee General Recommendation 19

35. As regards the topic of violence against women, bearing in mind General Recommendation 19 of the CEDAW Committee and in relation to the supplementary report of 2012, the Argentine Government notes that Law 26.485 is a public law that has full force throughout national territory. Nonetheless, as Argentina is a federal country, the procedural part of the law requires adaptation. Of the 24 jurisdictions in our country: 17 provinces have ratified and implemented the law in full (Buenos Aires, the Autonomous City of Buenos Aires, La Rioja, Mendoza, La Pampa, Neuquén, Río Negro, Chubut, Santa Cruz, Jujuy, Santiago del Estero, Tucumán, Formosa, Corrientes, Chaco, Entre Ríos, Santa Fe). The provinces of Salta and Catamarca have a project for joining which is provisionally approved. The provinces that have not yet joined are San Juan, San Luis, Tierra del Fuego, Misiones and Córdoba.

36. The CNM is working to implement the National Plan of Action envisaged by Law 26.485. In this regard, it reports that, during 2014, the Federal Women's Council and the representatives of the women's areas of 20 provinces in our country and the Autonomous City of Buenos Aires met twice, to validate the plan that integrates, articulates and defines actions for dealing with the problem, with the specifics pertaining to each jurisdiction, to thus reflect the plan's federal and collective spirit.

37. Among the financial contributions and actions aimed at implementing Law 26.485, Argentina reports the following main lines of action:

---

[22] (http://www.jus.gob.ar/areas-tematicas/trata-de-personas/oficina-de-monitoreo-de-publicacion-de-avisos-de-oferta-de-comercio-sexual.aspx

[23] *Source*: www.encuentro.gov.ar

38. The CNM launched the 144 telephone helpline in September 2013, which serves the whole country 365 days of the year, 24 hours a day. It offers orientation, restraint and the referral of cases of violence, pursuant to the mandates defined in article 9 of Law 26.485. The helpline has a National Resources Guide consisting of 6,058 national, provincial and municipal public institutions, as well as social organizations involved in this field. From the launch of the 144 line in September 2013 until 31 October 2014, a total of 23,495 calls had been made (**See annex V – Statistical report on the 144 helpline**)

39. The building of shelter homes providing comprehensive protection for women in situations of violence, along with their nuclear family, of which a total of 22 are projected across the country, has the aim and purpose of guaranteeing a safe and dignified space of temporarily shelter, raising individual and collective awareness, with a view to promoting the autonomy of women and full exercise of their rights for an active citizenship. Based on a national survey of temporary accommodation available for women in situations of violence, the following data were obtained in October 2014 from a survey of 90% of the total in national territory: of the total number of comprehensive protection homes attached to governmental organizations and social organizations, 4.7% correspond to the NEA, 7% to the NOA, 11.6% to Cuyo, 18.6% to the Central Region, 20.9% to Patagonia and 37.2% of the Province of Buenos Aires. The CNM is working on the construction, equipping and/or re-fictionalization of comprehensive protection homes throughout the country in the following proportions: 9.1 % NEA, 9.1% NOA, 13.6% Cuyo, 9.1% Centro, 22.7% Patagonia and 36.4% in Buenos Aires.

40. **Installation of the geo-referenced immediate location system (anti-panic button**). In September 2014, the CNM signed an agreement, in the framework of the Federal Women's Council, to conduct a survey in each province for the implementation of anti-panic button systems. As a result of this commitment, the Ministry of Security implemented the system that will be used to protect and prevent violence against women, for federal security forces. The mechanism is connected to a federal information centre. Everything that happened is recorded and is admissible as judicial evidence. The security card made 1,000 warning devices available as a first phase of this programme.

41. **Campaigns, training, workshops**. In terms of dissemination, awareness raising and citizen participation in the prevention and reporting of violence against women, steps were taken in 2014 to implement the "Show abusers the red card" campaign. This is centred around radio and television spots and posters in which leading figures from different spheres of Argentine life commit themselves to fighting abuse. The aim is to involve society at large in the prevention and reporting of gender violence; and over 50,000 people participated in the campaign in 2014.[24] On the issue of human trafficking, the CNM plays a preventive role. In articulation with the Ministry of Social Development and the Ministry of Justice and Human Rights, three posters produced for the campaign entitled "They are people just like us" had informative and preventive content that sought to raise awareness about human trafficking and the law. These were distributed at five resorts and tourist zones on the Atlantic coast in the summer of 2014.[25] The Executive Committee to Combat Human Trafficking, attached to the Head of the Federal Cabinet of

[24] http://www.sacatarjetaroja.com.ar/

[25] http://www.desarrollosocial.gob.ar/noalatrata.aspx

Ministers, launched the National Campaign to Prevent Human Trafficking. The campaign works through posters, radio and audiovisual spots, to address trafficking for the purposes of both sexual and labour exploitation.[26] In addition, in the framework of the campaign "UNITE to End to Violence against Women", sponsored by the United Nations Secretary General, and providing continuity to the campaign "260 men against machismo", together with the United Nations system in Argentina the CNM, invites men to join the "Network of Men Committed to Ending Violence against Women", and to participate proactively through actions aimed at preventing the phenomenon in their respective spheres of life. In 2014, a total of 225 workshops were held across the country. The Popular Schools for Gender Training form part of this objective by strengthening local stakeholders. During this year, nine universities and 225 registered persons participated in this experience.

1. Other initiatives at the national government level include the following: the Diploma Course on Gender and Women's Rights run by the School of the State Lawyers Association; this is articulated between the National Treasury Prosecution Department, and the Public Defence Service. In 2014, two further diploma courses were added: the Social Operator Diploma Course majoring in the promotion of gender equality and the violence prevention, and the Social Operator Diploma Course majoring in agroecology, urban development, social habitat and production and popular cultural intervention. These diploma courses are given by the National Ministry of Social Development and the National University of La Plata. The latter is articulated with the National Ministry of Agriculture, Livestock and Fishing.

42. On statistics on violence, the Argentine Government reports the signing the cooperation agreement between the National Council of Women and the National Institute of Statistics and Censuses (INDEC) on 11 September 2012, for the preparation of a measurement tool that makes it possible to obtain a genuine diagnostic on gender violence, placing the Argentine Republic among countries that have official statistics on the subject. The key objective of the agreement was to design a set of mutually agreed indicators that would provide a measure of the phenomenon of violence against women, age, sex, civil status, occupation, link with the aggressor, among others. This initiative aims to create a unified register of cases of violence against women, while safeguarding the identity of the victim, and taking as unit of analysis the woman who is victim of one of the types of violence listed in Law 26.485. Progress made, by the time of the delivery of this report to the Committee, includes the following actions developed under the agreement: (a) definition of the variables and their respective categories in a consensual basis with a different national government organizations; (b) the preparation of a standard form for entering organizations into the registry, and a reporting framework for presenting the data to be incorporated into the register; (c) design of an information technology platform, consisting of the structure of the record database and entry file; among other actions. The framework agreement and complementary acts formalizing cooperation between the national government agencies and the provinces have thus far been signed by the National Ministry of Justice, the National Public Defence Service; the National Ministry of Security, and the following provinces: Córdoba, Salta, Catamarca, La Rioja, Chaco, Santiago del Estero, Buenos Aires and Río Negro. Agreements are currently in the process of

[26] ttp://www.comitecontralatrata.gob.ar/

signing between other national government agencies and other provinces. The first results that INDEC undertook to deliver will be available in March 2015.

Suppression of the exploitation of women: traffic in women and exploitation of prostitution.

Article 6

43. In 2008, Argentina passed Law 26.364, on the prevention and punishment of human trafficking and victim assistance, inspired in the guidelines defined in the Palermo Protocol. In late 2012, Law 26.842 was promulgated, amending the previous legislation which, among other points, responds to Recommendations 30 and 46 formulated by the CEDAW Committee to Argentina at the time of the sixth periodic report (2010). This makes the "supplying" of a person for the purpose of exploitation a new type of criminal act, which could be important particularly among children, whose handing over by parents or guardians did not constitute an criminal act in itself until the amendment of the law. Similarly, in operations to sell or transfer victims, the transferor was not directly covered by the concepts of "capture", "transport", or reception".

44. Since the new law on trafficking has been in force, the definition of the crime has been complemented with the offences of capture, transport, or accommodation/reception of a person for the purpose of exploitation, irrespective of whether the victim is over 18 or younger. The criminal acts that were previously necessary to identify trafficking in adults now serve as an aggravating factor of the crime, and the same is true when the victim is a child.

45. Penalties have been increased both for the crime of human trafficking and for related offences; and new forms of exploitation and new aggravating factors have been added. The promotion, facilitation, or commercialization of child pornography; the production of any kind of representation or spectacle with such content; and forced cohabitation or marriage are added to the already existing forms of exploitation; and deception, fraud, violence, threat, or any other form of intimidation or coercion, abuse of authority or situation of vulnerability, the granting or acceptance of payments or benefits to obtain consent from someone who has authority over the victim, constitute new aggravating factors.

46. Law 26.842 broadened factors of aggravation according to the qualitative status of the victim by adding pregnant women, persons over 70 years of age, person with disabilities, and persons with diseases or who cannot look after themselves. In addition, the rights recognized of victims were expanded.[27]

47. Based on the new regulations, in terms of prevention and punishment of the crime of trafficking and victim assistance, as indicated in the Committee's recommendations cited above, the Executive Committee to Combat Human Trafficking and Exploitation and Protect and Assist the Victims Thereof was created in 2013. This functions within the framework of the Head of the Cabinet of Ministers of the National Government, and consists of the Ministries of Social Development, Justice and Human Rights; Work, Employment and Social Security;

[27] The law can be consulted at: www.infoleg.gob.ar/infolegInternet/anexos/205000-209999/206554/norma/htm

and Security. Its prime responsibility is to create and deploy a biennial plan of action on a staged basis, taking account of the evaluation and diagnostics made of the actions and components to be undertaken.

48. The law also created the Federal Council to Combat the Human Trafficking and Exploitation and Protect and Assist the Victims Thereof, which will be responsible for implementing a National Programme to Combat Human Trafficking and Exploitation nd Protect and Assist the Victims Thereof.

49. The Executive Committee deploys its actions throughout the circuit running from the moment of reporting through to victim assistance: the professionals attending the toll-free 145 phoneline, which forms part of the National Programme to Rescue and Support Persons Made Homeless by Human Trafficking, of the Ministry of Justice and Human Rights; provide technical assistance and psychological support; and, from the moment of the corresponding search warrant, the programme intervenes in conjunction with the security forces to support victims until they are in a position to provide a witness statement in court, in articulation with that ministry's National Witnesses Protection Programme.[28] Assistance and shelter accommodation for the victims, once their witness statement has been made, is the responsibility of the Unit for the Prevention of Sexual Exploitation of Children and Human Trafficking of the Secretariat for Children, Adolescents and the Family (SENAF) of the Ministry of Social Development. This unit has interdisciplinary teams of professionals (lawyers, social workers, psychologists, anthropologists) who maintain daily contact with the victims to make sure they are comprehensively cared for and safely provided for. This includes accommodation, clothing, social assistance, medical and psychological care, legal guidance, provision of documentation, and support and assistance to the victim should she decide to return to her place of origin; and, as a second stage, the rebuilding of life projects.

50. In April 2012, the SENAF held the First National Meeting of Authorities on Human Trafficking, which designated focal points both at the provincial level and in the Autonomous City of Buenos Aires, along with a national focal point. The meeting concluded with the signing of a document setting forth guidelines to the National Assistance Protocol, which represents a commitment to work together at the federal level to implement integrated actions to assist victims of trafficking.

51. The Ministry of Security, created in 2011, focuses on generating policies to provide training to the security forces on the issue of human trafficking, both for detection of cases and for victim support. The key advances achieved by this ministry include the SISTRATA integrated crime information system for trafficking offences, which contains quantitative and qualitative information on the procedures undertaken by the different forces. The ministry also has a nationwide toll-free phone line operating 24 hours a day, 365 days per year, to receive reports, suggestions and complaints. In addition, it has implemented the Federal Biometric Identification Security System (SIBIOS), which provides information that individualize all citizens with data registered in the information bases of the National Registry of Persons (RENAPER).

[28] The details of the procedures and rescue operations undertaken, as well as all other information relating to this topic can be found at http://www.infojusnoticias.gov.ar/resultados-busqueda-tags/trata-130.html y en http://www.infojusnoticias.gov.ar/nacionales/el-estado-rescato-a-6431-victimas-de-trata-3598.html

52. The Public Prosecution Service has a Unit on Kidnapping for Ransom and Human Trafficking (UFASE), which in April 2013 had its status raised to Prosecution Department for Combating Human Trafficking and Exploitation (PROTEX). Its purpose is to assist prosecutors handling cases of kidnapping and extortion and human trafficking throughout the country. Pursuant to Law 24.946, PROTEX is launching preliminary investigations that are then channelled through the courts and prosecution departments that have territorial and material competency to investigate the crime. This includes the IBERRED network which links the public prosecution services of Latin American countries, thus facilitating international collaboration. Lastly, in 2014, the Victim Orientation, Support and Protection Unit was set up, with responsibility for special programmes for victims of trafficking and exploitation, child maltreatment and sexual abuse, gender violence and institutional violence (**See Annex VI – Prosecution Unit on Human Trafficking and Exploitation, Public Prosecution Service**).

53. With regard to Recommendation 46 of the Committee, the National Commission for Refugees applies the directives issued by the Office of the United Nations High Commissioner for Refugees (UNHCR); and it analyses requests by taking into consideration cases of persons who could have been victims of trafficking and fear persecution if they return to their country of origin for that reason. The General Refugee Recognition and Protection Act (Law 26.165/06) is effectively applied throughout national territory, although regulations have not yet been approved for it. In this regard, in 2012, the National Commission for Refugees (CONARE) prepared a draft regulation, which was submitted for consultation with key government partners and civil society organizations (**see annex VII – National Migrations Department**).

54. The provisions contained in the various articles of Law 26.165 cover the situations of special vulnerability that unaccompanied women, children and adolescents can be faced with. In relation to these risk groups, and particularly as regards women asylum seekers and refugees, the gender perspective is present as from the initial contact made by the woman with the border authorities and with officials who participate in the procedure for granting recognition of refugee status. In this way, the different stages of the procedure aim to rapidly detect situations involving rights violations, and the potential risks they could face, through interviews held with technical staff which include gender-sensitivity based on the training staff policy which has been developed to identify situations of violence and human trafficking.

55. In late 2011, the Protocol for the Protection, Assistance and Search of a lasting solutions for unaccompanied or separated children seeking asylum was approved, and its implementation stage was formerly launched. Its preparation was the responsibility of the work group coordinated by the Office of the United Nations High Commissioner for Refugees, which included the Executive Secretariat of CONARE, the National Migrations Department (DNM), the DGN and SENAF, along with related international and nongovernmental organizations. Through this instrument, the various stakeholders sought to prepare a plan of action to implement a coordinated mechanism for intervening in response to the needs of asylum seekers, which include groups in situations of vulnerability. The document was considered a good practice by the Regional Office of the United Nations High Commission, and became the first operational coordination tool of this type in the region.

56. In addition, CONARE has designed the Triennial Plan to Assist and Integrate the Population Seeking Refugee Status and Refugees in Argentina, for the purpose of setting up mechanisms for dealing with the problem that give a comprehensive response to situations of social vulnerability endured by asylum seekers. One of the principles enunciated in the work plan is respect for the gender, age and diversity perspectives. The aim is to "ensure that the special needs which, throughout the process of arrival in the country and the search for a lasting solutions, experienced by women, children, and elderly refugees and persons with medical and/or psychological needs or other special needs, are duly considered in the implementation of the projects." Accordingly, the programmes included in the triennial plan — the Basic Humanitarian Assistance Programme and the Social Integration Programme — define women, children and adolescents as priorities at the time of providing immediate assistance in terms of accommodation, food and health care, and access to available resources to facilitate the process of integration and social inclusion in Argentina, under equal and discrimination-free conditions.

57. In the Argentine Foreign Ministry, the Special International Representative for Women's Issues operates as a focal point on international human trafficking. The area seeks to mainstream gender in all international agreements and actions on human trafficking, with which Argentina is committed. For that reason, in the last few years, training has been provided on this subject and on gender violence as part of the Foreign Ministry's consular training courses. In addition, on the occasion of the Meeting of Ministers and High Authorities on Women of MERCOSUR, this office participated in the preparation of the booklet "Regional diagnostic on the trafficking of women for the purpose of sexual exploitation."[29]

Recommendation 26 of the Committee:

58. In relation to Recommendation 26 of the Committee, in recent years the justice process for crimes against humanity has made notable progress in terms of the investigation and prosecution of crimes against sexual freedom. In 2010, the first conviction was served on the perpetrator of the crime of rape (as director perpetrator) against disappeared women held at a clandestine detention centre, in the "Molina" case in Mar del Plata, Province of Buenos Aires. In 2011, rulings issued by the Federal Appeals Court of the Provinces of Mendoza and Tucumán expanded the criterion for assigning responsibility for these crimes, rejecting the idea that they are self-inflicted and thus accepted the responsibility of superior officers for the crimes of rape and sexual abuse committed in clandestine detention centres, and confirmed the prosecution of several people as intermediate perpetrators of these crimes. They also established that these crimes should be differentiated from the crime of torture **(see annex VIII- details of other cases.)**

59. No specific monetary compensation is specified for victims of sexual or gender violence, although it is possible to claim compensation for damage and injury in the civil courts, or be constituted as a civil party in a criminal case, provided this possibility has not been renounced by collecting a compensation established by law: in this case, it is not possible to take action against the State but only against those specifically responsible. Recently, in the sentence handed down

[29] Available at http://www.mercosurmujeres.org/es/diagnostico-en-trata-de-mujeres-con-fines-de-explotacion-sexual-av15) and was part of the campaign entitled "MERCOSUR free from trafficking in women" targeting border zones and prepared in Spanish, Guaraní and Portuguese.

in the "Metan" case, it was decided to admit the civil suit filed by a victim of sexual violence and sexual slavery, defining compensation in the following categories: therapy and medication until full restoration of the victim's psychic health; moral harm; loss of job opportunities; psychic harm and damage to life project.

Equality in political and public life at the national level

Article 7

60. In Argentina, Law 25.012, the Quota Act remains in force. Passed in 1991, this law required at least 30% of persons on the electoral lists for national legislative posts to be women, and in positions giving a genuine chance of being elected. Several draft laws are awaiting parliamentary processing, aimed at raising the floor of female participation in electoral lists to 50%, in the framework of debates on gender parity.[30] At the present time, the current representation of women in national elective posts tends to be above the current legal floor: in November 2014, about 36% (93/257) of members of the Chamber of Deputies and almost 39% (28/72) of the Senate are women. In the Senate, the highest level of female participation was achieved between 2004 and 2007 (43%), and in the Chamber of Deputies, the peak was attained between 2008 and 2009 (40%).

61. The greater female presence in Congress has helped to bring previously ignored issues on to the agenda, such as gender and crimes against sexual integrity. Nonetheless, women's participation has not been confined to those topics. Several social laws protecting a variety of minority groups and expansion of rights have been promoted by women, such as the Egalitarian Matrimony Act.

62. The current President of the Nation is a woman (periods 2007-2011 and 2011-2015, ongoing); four of the 16 national ministries are currently headed by women (Security, Culture,[31] Industry and Social Development), as is one of the five currently occupied posts of the Supreme Court of Justice of the Nation.[32]

63. Although the national legislative institutions have had a constant female presence over the last 20 years, this has not been matched in the provincial legislatures and, in particular, at the local level. For that reason the CNM has launched a programme to strengthen and promote the presence of women in these legislative institutions, and to mainstream gender in parliamentary initiatives. The programme "Strengthening of capacities to promote gender equality in legislation" targets the national, provincial and municipal legislatures. As part of the programme, a situational diagnostic was performed, and the results were used to produce a practical guide for national, provincial and municipal legislators in Argentina, providing information and conceptual and methodological guidelines

[30] See: http://www.diputados.gov.ar/frames.jsp?mActivo=proyectos&p=http://www1.hcdn.gov.ar/proyectos_search/bp.asp

[31] Recently created by Decree PEN 641/2014.

[32] Until May this year, the Supreme Court of Justice of the Nation had seven members, two of whom were women. Since then, Judge Carmen Argibay died in May, and Judge Enrique Petracchi passed away last October. Following that, Judge Eugenio Zaffaroni took early retirement on 31 December. As a result, from January 2015, the Supreme Court will have four members, until additional members are appointed pursuant to the corresponding regulation.

relating to the adoption of the gender perspective in legislative work (structure, management and agenda).[33]

64. To promote women's participation in public life and guarantee equal opportunities and treatment throughout national territory, Law 26.571 (Democratization of political representation, transparency and electoral equity) was passed in December 2009. To ensure active participation by women in the political domain, article 1 — which amends article 3(b) of the Political Parties Charter Act, 23.298 — requires that the periodic election of party authorities and organizations must fulfill the minimum percentage of each sex specified in Law 24.012 and its regulatory decrees. In that regard, and in relation to CEDAW Committee Recommendation 32, it should be noted that the application of the aforementioned law with the consequent incorporation of a larger proportion of women in party leadership bodies, will have an impact on the reality of the political groupings that act in the provinces and in the Autonomous City of Buenos Aires.

65. If the private sector is considered alongside the public sector, women's participation in decision-making posts declines; and it falls further short of the target set for 2015 (0.60) with a ratio of women to men of 0.42 as of 2011.[34]

Equality in political and public life at the international level, participation in international organizations.

Article 8

66. Men and women In Argentina have total equality of rights, including in respect of all issues considered by this article. Specifically, nearly 25% of Argentine embassies around the world are currently headed by women: 23 posts out of a total of 93.[35] In the last few years, a larger number of women have entered the entering the Argentine Diplomatic Academy of the Foreign Ministry, which produces the country's future diplomats. From 2005 to the present, 42.75% of persons entering a diplomatic career were women, which suggests that the percentage of female diplomats occupying high-level international posts will increase in the future.

67. Argentine women hold important posts in international organizations such as the International Criminal Court and the International Tribunal for the Law of the Sea, among others.

68. Argentina supports all United Nations resolutions aimed at combating sexual violence in conflicts, such as Security Council resolution 1325, and its complementary resolutions, particularly resolution 1820. It should be noted that resolution 1325 also calls for an increase in female participation at all levels of prevention, management and resolution of conflicts, including the decision-making levels.

---

[33] *Source*: National Council of Women. The guide can be consulted at http://www.ar.undp.org/content/dam/argentina/Publications/G%C3%A9nero/ARG%20TOOLKITGuia%20final%20web.pdf

[34] *Source*: Country Report 2012-millennium development goals. http://www.politicassociales.gov.ar/odm/PDF/IP2012.pdf)

[35] The list of national officials fulfilling functions abroad can be consulted at: http://www.mrecic.gov.ar/representaciones

69. Women have considerably increased their presence in the defence and security forces, including those deployed on humanitarian missions, with women occupying the highest posts in the respective ministries: government period 2005-2010 in the case of defence; and 2010-2013 and 2013 to the present in security, in other words throughout the lifetime of the latter ministry which has created precisely in 2010. This made it possible to mainstream gender within the armed forces and the security forces by creating human rights and gender policy departments in both organizations.

70. At the present time, the National Plan of Action of the Argentine Republic for Implementing Resolution 1325 (2000) is in its final stages of approval by the President of the Nation. This plan contains various points relating to the prevention of sexual violence, in terms of both objectives and compliance indicators; and it pays due attention to women asylum seekers and their family members in the country. In conflict and post-conflict countries in which Argentina has a presence, our country is committed to safeguarding the recognition of the differential impact of armed conflict on women: for that reason, the personnel of troops deployed on peace missions receive training on gender issues and the prevention of sexual violence.[36]

Equality in laws of nationality in respect of the woman and her children

Article 9

71. In Argentina, men and women have total equality of rights, including all issues considered by this article, which, for the purposes of understanding the expression nationality, is understood as citizenship.

Equality in education

Article 10

72. Compulsory basic education throughout national territory lasts from five years of age until the end of the secondary education cycle; and the universalization of education services at the initial level as from four years of age is also obligatory for the national state and the provinces. In Argentina, public education is non-denominational and free of charge at all compulsory levels; and are also private education services, including those of a religious type. There is also a wide range of public and user-free university education throughout national territory. At the present time, there are 48 national public universities, distributed throughout all provinces of the country, which provide free higher education at the degree course level and in some cases free postgraduate training also. Since 2007, nine national

[36] This information is included in relation to United Nations Security Council resolution 1325, as indicated in point 1.3, p.73 of the Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties (HRI/GEN/2/Rev.6).

universities have been created, the students of which are mostly their families' first-generation university students.[37]

73. Education coverage in Argentina is very high for both men and women, and literacy rates among young people between 15 and 24 years of age over the last decade were both above 99%, attaining 100% in 2011.[38]

74. Data on the relative proportion of men and women registered by the 2010 national census show that the femininity ratio exceeds 100% in all jurisdictions of the country, and for all education levels jointly, with individual rates of 95.9% in the primary cycle and 106.6% in the secondary cycle.

75. Women also constitute a clear majority of university students:, registration by women in 2011 accounted for 57.5% of all students in public universities and 56.2% in the case of private universities; among graduates the equivalent figures numbers rise to 61.5% and 62.1%, respectively).[39]

76. The latest data compiled by the Ministry of Science, technology and Productive Innovation in 2013 show that the National Scientific System (SCN) consists of a total of 46,929 full-time researchers and grant-holders working on research and development (R&D), of whom 22,726 are men and 24,203 are women. These figures display gender parity nationally in terms of human resources participating in the SCN. At the same time, there is a significant disparity in terms of human resources doing research in information and communication technologies (ITCs), 70% of whom are men and 30% women; and in some cases the disparity is 80%-20%. In contrast, there is no gender disparity either in the distribution by organizations or in lines of research.

77. The foregoing data mean that there are significantly more women than men at the higher levels of education. Nonetheless, this better relative position of women in the education field is not reflected in their labour market performance, as will be discussed below.

78. In relation to CEDAW Recommendation 34, the following paragraphs list the key actions and policies on education and the gender equity implemented in the last few years.

79. Law 26.206/06 on national education includes the gender perspective and non-discrimination among its articles, for example articles 1(f) and 11(v)).[40]

- In 2006, Law 26.150 created the National Comprehensive Sex Education Programme, which is mandatory at the initial, primary and secondary levels and also in teacher training. This law, which will impact the process of acquiring and transforming knowledge, attitudes and values with respect to

[37] The nine universities created since 2007 are: Universidad del Chaco Austral, Universidad Nacional de Río Negro, Universidad Nacional Arturo Jaureche, Universidad Nacional de Avellaneda, Universidad Nacional de Jose C Paz, Universidad Nacional de Moreno, Universidad Nacional de Villa Mercedes, Universidad Nacional del Oeste, and Universidad Tierra del Fuego, Antártida e Islas del Atlántico Sur.

[38] *Source*: Country Report 2012, Millennium Development Goals. http://www.politicassociales.gov.ar/odm/PDF/IP2012.pdf)

[39] *Source*: http://informacionpresupuestaria.siu.edu.ar/DocumentosSPU/Anuario%20de%20Estad%C3%ADsticas%20Universitarias%20-%20Argentina%202011.pdf

[40] *Source*: http://portal.educacion.gov.ar/?page_id=57

sexual and reproductive rights, is designed to generate greater equity in the social relations between men and women, among other objectives.

80. Law 26.058, on technical education, redesigned technical training throughout the country. Its article 40 mentions specific actions whose implementation will guarantee access to technical and agricultural education for young people (male and female), and permanence in it during a situation of social risk or when facing difficulties in obtaining apprenticeships. It also states that action shall be taken to incorporate women into professional technical education. According to the Census of Technical Schools, 37% of the 230,000 students are women, whereas historically women have not exceeded 11% of enrollment in such schools.[41]

81. The *Conectar Igualdad* programme was created in April 2010 to restore and upgrade public schools and reduce digital, educational, and social divides in the country, by distributing netbooks to all students and teachers in secondary schools, special education schools, and State-run teacher training institutes. Thus far over 4,700,000 netbooks have been delivered, but the data do not have a gender breakdown.[42]

82. The Primary and Secondary Studies Completion Plan (FinEs) is an educational policy of the National Education Ministry which is being implemented in all provinces. Its aim is to offer young people (18 years of age and older) and adults a specific plan adapted to their possibilities and needs, to complete their primary and/or secondary studies.[43]

83. In January 2014, the *Progresar* Programme to Support Argentine Students was launched, for students of 18-24 years of age who are unemployed or working informally, or who receive a wage less than the minimum vital and mobile wage (Arg$ 4,400 as of September 2014), and their family group are in a similar situation. The programme consists of a universal subsidy of Arg$ 600 per month, to enable young people to start, continue, or complete their primary, secondary, tertiary, trade, or university studies. Of the total number of 945,000 students enrolled as of October 2014, 60% are women and 79% are between 19 and 22 years old. At the same time, 26% of the applications received are to undertake university studies, 24% for tertiary and trade studies, and 45% to complete secondary school studies. Only 5% of the total applied to complete their primary studies.[44]

Equal rights in employment and work; economic and social security of women

Articles 11 and 13

84. Despite achievements on gender equity in the education domain, and the undeniable progress made in the labour market and in female participation in economic ventures, Argentine women generally continue to face vertical and horizontal segregation in employment. Their integration into the labour market has not triggered any large-scale incorporation of men into the world of care provision and domestic chores; and this has generated phenomena such as the double work

[41] National Census of Technical and Agricultural Schools, 2010-2011 (www.inet.edu.ar)
[42] *Source*: http://portales.educacion.gov.ar/conectarigualdad/
[43] *Source*: http://portal.educacion.gov.ar/?page_id=34
[44] *Source*: www.progresar/anses.gov

load, as revealed in the 2013 use-of-time survey.[45] Women continue to be over-represented in jobs of greatest informality, lowest rank or qualification, as well as in underemployment and unemployment. This results in women on average receiving lower pay than men, even though there qualifications are generally higher.

85. Thus, the latest figures prepared by the National Ministry of Work, Employment and Social Security (second and third quarters of 2013) show that women account for 42% of the economically active population (EAP) and 41.5% of the employed population; they also have an activity rate[46] of 47.1%; an employment rate[47] of 43.1% and an unemployment rate[48] of 8.5%. Moreover, women form the majority of employees in the public sector and a minority in the private sector, with feminization rates of 54.7% and 32%, respectively, in December 2013.[49] In view of this, Argentina included as one of the national targets for achieving the MDG on gender equity, "Reach by 2015 a higher gender equity by the better economic participation of women and the narrowing of the gap in the salaries between men and women, while keeping the levels of gender equality achieved until 2000 in the educational sector", reducing the wage gap to 20% by 2015. The latest data on the subject (fourth quarter of 2013) show that the gap in average incomes, between fully employed men and women, was 13.3% in the second quarter of 2013; but it was wider when underemployment is taken into account, because, as noted, women suffer more from underemployment owing to the overload of domestic and care work.[50]

86. According to a survey on unpaid work and the use of time implemented as a module of the INDEC Annual Urban Household Survey, in the third quarter of 2013, the participation rate in domestic work was 88.9% among women and just 58.2% among men, with women spending an average of 6.4 hours on this, compared to the 3.4 hours of men. In society as a whole, therefore, women account for 76% of the average number of 3.9 hours per day spent doing unpaid work, compared to just 24% in the case of men.[51]

87. Domestic work and care activities have been historically been associated with women and continue to be so. Even when these tasks are undertaken by third parties on a paid basis, the vast majority of the workers are women. In this regard, and in relation to CEDAW Committee Recommendation 36, Law 26.844 was passed in 2013, providing a special labour contract regime for persons employed in private homes. This expanded the rights of female domestic workers, making their economic and social rights equivalent to those of any other worker, by formalizing their employment situation and incorporating them into social security and pension systems. Recently, it was made compulsory for the employer to contract workplace risk insurance for the domestic employee.

88. In March 2014, the Argentine Government ratified the Domestic Workers Convention, 2011 (ILO Convention 189)., before the International Labour Office.

---

[45] *Source*: http://www.indec.mecon.gov.ar/nuevaweb/cuadros/novedades/tnr_04_14.pdf)

[46] Calculated as the percentage of the total economically active population.

[47] Calculated as the percentage of the total employed population.

[48] Calculated as the percentage of the economically active population that is unemployed.

[49] *Source*: Gender Bulletin http://www.trabajo.gob.ar/left/estadisticas/genero/estadisticas.asp

[50] *Source*: http://www.politicassociales.gov.ar/odm/PDF/IP2012.pdf). *Source*: Ibid and 2012 Country Report on MDGs.

[51] *Source*:http://www.indec.mecon.gov.ar/nuevaweb/cuadros/novedades/tnr_04_14.pdf)

This makes Argentina the 13th ILO member State and the seventh in Latin America to a ratify this convention, which aims to improve the living and working conditions of tens of millions of domestic workers around the world.

89. Also in terms of the recognition and protection of workers' social rights, in the rural domain, Law 26.727 on rural labourers was passed, establishing new legislation for contracting workers. This constitutes a major step forward for seasonal workers who are the most vulnerable in the rural sector.[52] Rural workers are thus included in the Labour Contract Act, with full rights. The law recognizes minimum pay rates decided on by the National Agricultural Labour Council, which cannot be less than the minimum vital and mobile wage (Arg$ 4400 in September 2014); and it defines periods and places of payment. It also establishes adequate conditions of hygiene, security, and housing for the over 900,000 rural workers.[53]

90. Another priority is to improve the living conditions of the population, particularly children. One of the initiatives of greatest impact in this regard has been the creation of the Universal Child Benefit in 2009, which was complemented in 2011 by the Pregnancy Benefit. These subsidies are targeted on women who are unemployed or who work in the informal economy and/or in unregistered domestic service. The child protection system includes supervision of the compulsory immunization plan and school attendance. Given the increasing proportion of women who are heads of household, this universal benefit provides significant economic relief, as well as recognition of their rights and those of their children. The universal benefit is paid to the mother, unless the father shows that he has custody. According to data for 2013 published by the National Social Security Administration (ANSES), the Universal Pregnancy Benefit has 160,000 recipients and the Universal Child Benefit (AUH) has 3.5 million.[54]

In relation to CEDAW Committee Recommendation 36, the Ministry of Labour approved the programme of equity and equal opportunities in labour training, entitled "New trades for women", to provide women with training in non-traditional activities, and thus help enhance their conditions of employability and encourage their integration into labour market (MTEySS resolution 1553/2010). In 2013, the programme convened 500 women to receive training on gender issues and motorcycle mechanics in five localities of the country: Caseros and Florencio Varela (Buenos Aires Province), Villa María (Córdoba), Salta (Salta) and the autonomous city of Buenos Aires . The profile is one of young women, 50% are between 19 and 25 years of age, and the majority (66%) have completed secondary education at least. Another notable characteristic is that half of the women promoted do not have children. Motorcycle mechanics were given gender training so that, during the apprenticeship process, they can identify gender variables to be taken into account to facilitate the training. Local trainers (male and female) were also trained with the

[52] Law 26.727 1947 constitutes the most significant advance in rural legislation since the rural labour and statutes sanctioned in 1944 and the Harvesters Law which complemented that legislation in 1947.

[53] Levels of informality in the sector are estimated at 62%, compared to the national average of 34.3%; and in some regions, precariousness attains a level of 85 % (*Source:* www.trabajo.gov.ar)

[54] *Source*: http://www.anses.gob.ar/asignacion-universal/asignacion-embarazo-149

twin purpose of training women and identifying local reference points to continue working on this issue.[55] **(See Annex IX-Ministry of Work and Social Security)**

91. In October 2014, the first virtual course on the gender perspective in the labour market was launched for employees of the Ministry of Labour. The objective of this training is for ministry personnel to mainstream gender in their daily tasks, and to provide a channel for consultation and advice on management, promoting the identification of reference points on the subject in each place.

92. The Ministry of Labour has an Advisory Office on Labour Violence (OAVL), which has responded to around 9,000 consultations from workers, 80% of which led to a formal complaint being lodged. Of the total number of complaints received to date by the OAVL, sexual harassment accounts for around 10%. In 2014, this Office promoted the signing of a Minute of Commitment for Decent Work without Labour Violence, which was signed by 114 union organizations and 72 employer organizations.

93. As regards the protection of workers' rights, the Labour Contract Law (20.74 4/74) defines the duties and rights of employers and workers, and assigns inspection and control functions to the Ministry of Labour, as the law's application authority. Each branch of activity signs its collective labour agreement, which is subsequently approved by the ministry, and it holds unrestricted annual negotiations on local conditions (*paritarias libres*). Specifically, registered female workers are entitled to at least three months' paid maternity leave, with an extension as agreed in each sector collective bargaining contract, and up to an additional six months without pay; while fathers have the right to two days' leave, also extendable if the corresponding collective agreement includes this. For breast-feeding, female workers have are entitled to two half-hour breaks during the day in the child's first year of life. In addition, for cases of low and medium-low wages, mothers or fathers indistinctly receive a monetary subsidy from the government for each child up to 18 years of age. In the cases of medium-high and high salaries, the fact of having children or family members in their care gives the right to income-tax deductions.[56]

94. In terms of the pension rights of workers (male and female), in September 2014 a new pension regularization arrangement was approved both for self-employed workers and for employees, which gives access to a pension benefit to persons who, at retirement age (60 years in a case of women and 65 years for men), have not accumulated the required contributions record (30 years). The application of this policy in earlier years made it possible to regularize the contributions of people who had not done so in the context of registered employment, such as women working as housekeepers. Hence this form of regularization is known as "housekeeper retirement", and it has enabled 2 million women to gain access to a retirement benefit between 2007 and the present day.

95. The Ministry of Labour has two structures related to women's issues: the Tripartite Commission on Equal Opportunities between Men and Women in the World of Work (CTIO) and the Coordination Unit for gender Equity and Equal Opportunities in Work (CEGIOT). Periodically, the ministry compiles data and

[55] Materials on this experience are available at:
http://www.trabajo.gov.ar/left/estadisticas/genero/estudios.asp and
http://www.trabajo.gov.ar/left/estadisticas/genero/estadisticas.asp

[56] Further information available at www.anses.gob.ar y www.afip.gob.ar

conducts research into the situation of women in the world of work, which are available on the ministry's website, as reported in this section.

Equal access to health care for women

Article 12

96. **Health and Rights Area of the National Women's Council**

In February 2013, through a memorandum of agreement between the CNM of the National Social Policies Council of the Office of the President of the Nation and the National Ministry of Health, the Health and Rights Area of the National Women's Council was created. This aims to promote public policies in the community, organizations and institutional mechanisms related to access to health care for women, girl children and adolescents.

This governmental area has four clearly defined lines of action: (1) the holding of regional, provincial and local meetings of organizations working on behalf of women's rights, providing training and education; thus far, 200 workshops have been held, raising awareness among over 6,000 women and men, including health system providers at all levels, concentrating particularly on reduction of maternal mortality and eradication of violence against women; (2) the implementation of campaigns, publications, and the distribution of awareness raising and dissemination material; (3) research into the conditions of access and care for women by the health system; (4) intervention and legal and technical advice on incorporating the gender perspective in cases of violence (obstetrics, reproductive, sexual, and institutional) related to the health system. In conjunction with the Sumar programme of the National Ministry of Health, the CNM has developed contents for the distance course. In addition, the materials produced included the "Guide for Health Promoters with a Gender Perspective" training module, produced with support from the Argentine branch of the United Nations Population Fund (UNFPA),.

Sexual and reproductive rights

In the case of women and girl children, a critically important point in their health process consists of the exercise of their sexual and reproductive rights. In 2003, the National Sexual Health and Responsible Parenthood Programme was created.[57] For the purpose of informing the CEDAW Committee on progress made in terms of sexual and reproductive rights in Argentina, we draw attention to the 2013 Annual Report of the Sexual Health and Responsible Parenthood Programme (PNSSyPR) (**See Annex X – National Sexual Health and Responsible Parenthood Programme**).

The objectives proposed by the PNSSyPR include the following:

- Achieve for the population the highest level of sexual and reproductive health, with the aim of enabling decisions to be taken that are free from discrimination or violence.
- Reduce maternal and child morbidity and mortality.
- Prevent undesired pregnancies.

[57] *Source*: http://www.msal.gov.ar/saludsexual/

- Promote the sexual health of adolescents (male and female).
- Contribute to the prevention and early detection of sexually transmitted diseases, HIV/AIDS, and genital and breast pathologies.
- Guarantee to the whole population access to information, guidance, methods and services relating to sexual health and responsible parenthood.
- Promote female participation in decision-making on sexual health and responsible parenthood.

The programme provides contraceptive methods, training and dissemination materials, and care services free of charge in the framework of the public health subsystem.

Argentina already has "Humanized Childbirth" legislation, namely Law 25.929, which defines the rights of women during childbirth, and Law 26.130 on ligation of the fallopian tubes for women and vas deferens or vasectomy for men. Moreover, in 2007, Ministry of Health Resolution 232 added emergency hormonal contraception to the Compulsory Medical Programme as a contraceptive method.

In 2011, the vaccine against Human Papillomavirus was added to the national immunization schedule, on a free and compulsory basis for children of 10 years of age, whether or not covered by the *Obra Social* system; and it is available at all immunization units in public hospitals in the country.[58]

In 2013, Law 26.862 on assisted fertilization was passed, entitling all women to free access to all scientific methods of assisted fertilization.[59]

The SUMAR programme is a federal programme run by the National Ministry of Health, which provides public health coverage throughout the country, and improves the quality of care for the population not covered by the *Obra Social* system. The key aim is to help reduce maternal and infant mortality; intensify the health care of children of both sexes throughout the school age period and during adolescence; improve the integrated health care of women, by promoting preventive controls aimed at reducing mortality from uterine and breast cancer. In 2012, this policy, originally only targeted on pregnant women and children between birth and five years of age, was extended to children of between six and nine years of age, along with young people, and women of up to 64 years old. It now includes 9.5 million Argentines (women, adolescence and children are between birth and nine years). Today, all recipients of the universal benefits (AUH) who are women and affiliated to *Progresar* are covered by this programme.[60]

The National Sexual Health and Responsible Parenthood Programme also has a three phone lines for confidential attention and advice, among the 18 specialisms currently available for phone consultation by citizens. The most recent data (2013) show that 64.4% of calls to these lines were made by women, with a heavy presence of the 15-19 age group, on contraceptive methods and the annual immunization

[58] http://www.msal.gov.ar/index.php/programas-y-planes/185-vph

[59] *Source* : http://bit.ly/1dNJk4V

[60] *Source*: http://www.msal.gov.ar/sumar/index.php?option=com_content&view=article&id=476:el-programa-sumar

calendar (64.2%). The consultations made by men related to HIV and other STDs (44.5%) and tobacco consumption (47.7%).

As the CEDAW Committee asked us to provide information on adolescence, we report the following figures for 2013 from the PNSSyPR :

30.12% of hospitals and 27.3% of primary health care centres (CAPS) have a care service for adolescents. This means, in absolute terms, that 228 hospitals and 1,730 CAPS across the country provide sexual and reproductive health services for adolescents. In four provinces, all of the provincial hospitals have adolescent services, and in six provinces, all of the CAPS provide this service.

As part of the interagency cooperation agreement established with the National Ministry of Health, the CNM launched a series of booklets providing health information with a gender perspective, based on the joint approach and analysis of demands, consultations, and concerns that are received by the Unified Health Care Phoneline System.

Maternal mortality

According to Argentina's 2012 Report on the Millennium Development Goals, prepared by the National Social Policy Coordination Council, attached to the Office of the President of the Nation: *The maternal mortality rate (MMR) is a key indicator for evaluating the level of equity in human development of a society. This is largely due to the confluence of a multiplicity of factors that must happen to guarantee women save maternity. These factors include access to quality health care and the different stages of life, the maintenance of adequate nutrition, and access to safe and effective methods for regulating fertility* (p.59).[61]

The MMR in Argentina was 44 per 100,000 live births in 2010, having remained relatively stable in the period 1990-2010, albeit with fluctuations between a minimum of 35 (2000) and 55 per 100,000 live births (2009). The highest rate occurred in 2009 as a consequence of the H1N1 influenza pandemic.

The report continues:

The most important historical causes in Argentina are related to conditions of poverty which result in a lack of access to contraceptive methods and insufficient information on sexual health and parenthood. Abortion is one of the main causes of maternal death, accounting for 21.0% of all mortalities recorded in 2010. This phenomenon is aggravated in low income sectors, where the procedure is more risky, owing to the precarious conditions in which it is undertaken (p.60).

The practice of abortion is illegal in Argentina except in cases where it is not punishable, as established in article 86 of the Penal Code:

(1) If performed to avoid endangering the mother's life or health and if this danger cannot be prevented by other means; and

(2) If the pregnancy results from the rape or indecent assault of a woman with a mental disability. In such cases, the consent of her legal representative must be obtained for the termination.

[61] *Source*: http://www.politicassociales.gov.ar/odm/PDF/IP2012.pdf

Given the existence of various and discordant interpretations of paragraph 2, which often result in the prosecution of cases of non-punishable abortion (NPA), in a recent ruling in March 2012, the Supreme Court of the nation laid down three clear rules on the subject:

- The Argentine Constitution and human rights treaties prevent the punishment of abortions undertaken by any woman who is a victim of rape, and not only raped victims who suffer some mental disability, based on the principles of equality, dignity of persons and legality.
- In no circumstances do physicians have to request judicial authorization to perform this category of abortion, the sworn statement of the victim or her legal representative being sufficient.
- Judges should refrain from making access determinations subject to court approval.

That ruling established that bureaucratic processes which delay legal interruption of pregnancy not only contravene the obligations which article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, approved by Law 24.632, impose on the State with respect to any rape victim, but also that they can in themselves be considered acts of institutional violence under the terms of Law 26.485 (Articles 3 and 6).

Moreover, with the aim of making the above effective, the judges urged the national and provincial authorities to implement hospital protocols for the care of NPA to remove barriers in the access to medical services, and to provide a system that makes it possible for health personnel to exercise the right of conscious objection, without this resulting in referrals or delays that compromise care for the woman requesting NPA.

Complementing the above, the Better Post-Abortion Care Guide, prepared by the National Ministry of Health in 2005 and approved by resolution 989/2005, is currently in force. The guide states that care provision in cases of complications arising from abortion should be framed by respect for reproductive rights as a fundamental component of a woman's human rights, and as a duty of all health professionals.

In 2010, on the basis of the National Sexual Health and Responsible Parenthood Programme, the technical guide on non-punishable abortion was updated and disseminated in the various provinces of the country in 2007. The technical guide considers the legal framework for NPA, along with clinical, surgical and bioethical issues such as care, counselling and informed consent. It is designed for the use of health workers in general and the teams working in the field of sexual and reproductive health in particular. Its aim is to reduce the barriers that prevent access to abortion in cases where the Argentine Criminal Code permits termination of pregnancy and to standardize clinical and surgical procedures for the provision of NPA within the health system. It should be noted that given the federal nature of our country, the statuses of affiliation to the technical guide and/or implementation of protocols for post-abortion vary widely.

As requested by the CEDAW Committee, we now provide additional information on which jurisdictions have NPA protocols: 66.66% of the country has this coverage: Jujuy, Salta, Chaco, Misiones, Santa Fe, Entre Ríos, Córdoba, La

Rioja, La Pampa, Neuquén, Río Negro, Chubut, Santa Cruz, Tierra del Fuego, Buenos Aires and the City of Buenos Aires.

The following provinces do not yet have NPA care protocols: Corrientes, Formosa, Catamarca, Tucumán, Santiago del Estero, Mendoza, San Luis and San Juan.

The provinces that are affiliated to the national protocol are: Santa Fe, Chaco, Jujuy, La Rioja, Santa Cruz and Tierra del Fuego. In addition, Río Negro and Chubut are affiliated to the national protocol but have also issued their own.[62]

In that context, in April 2014 the draft law on the voluntary interruption of pregnancy prepared by the National Campaign for the Right to Legal, Safe and Free Abortion was presented in a National Congress for the fifth time, supported by over 60 deputies from the different political parties. The bill as presented seeks to allow abortion during the first 12 months of gestation, together with access to practice of the medical intervention free of charge in the public and private health systems, without prior judicial authorization. It also establishes that the gestation process can be interrupted if the pregnancy was the outcome of a rape, if the mother's health is at risk, or if there are serious foetal malformations. The initiative also promotes heavy intervention by the government, which goes beyond its legislative proposal and can be summarized in the phrase "Sexual education to decide, contraceptives to avoid abortion, legal abortion to avoid dying". At the present time, it is being processed by commissions of the National Congress and has parliamentary status.

In 2013 the coordination of the National Sexual Health and Responsible Parenthood Programme of the National Ministry of Health prioritized working on three strategic lines of intervention: preventing unplanned pregnancy; reducing hospital discharges for abortion, particularly among adolescents; and reducing maternal morbidity and mortality as a result of abortion.

These three strategic lines form part of the agenda of the National Ministry of Health, as the governing body on this subject, and are included in the operational plan for the reduction of mother-child mortality, among women and adolescents, as discussed below.[63]

Operational plan for the reduction of mother-child mortality, among women and adolescents

In 2008, the Argentine Federal Health Council (COFESA) set a priority of reducing maternal-infant morbidity and mortality in our country. For that purpose, it adopted a Strategic Plan for 2009-2011, which has gained support from all provinces in Argentina, and brings together policies related to the first, second and third tiers of care. In that context, the Under-Secretary for Community Health of the Ministry of Health designed the operational plan for the reduction of Maternal-Infant Mortality among Women and Adolescents, with the following objectives:

- Reduction of infant mortality in its neonatal and post-neonatal components.
- Reduction of maternal mortality for all its causes, and specifically that produced by adolescent pregnancy and abortion; by improving access to

[62] Information source: CNM. Gender and Health Unit/.(1-12-2014).

[63] For further information, see Federal Health Plan, resolution 956/2010. http://www.sssalud.gov.ar/novedades/archivosGSB/documentos/res_956_ms.pdf

quality sexual health and reproductive care and taking an integrated approach to teenage pregnancy with the aim of reducing it in the medium and long-term.

- Reduction of the incidence of cervical-uterine cancer and respective mortality rates.

To achieve these objectives, the Plan proposes to integrate the activities and actions of all programmes of the Under-Secretariat for Community Health –National Maternity and Childhood Directorate, Sexual Health and Responsible Parenthood Programme, National Programme of Comprehensive Health in Adolescence and the National Programme for the Prevention of Cervical-Uterine Cancer, as well as relevant research to achieve the objectives.[64]

HIV-AIDS

According to its 2012 Report on the Millennium Development Goals,[65] Argentina has an epidemic concentrated in the main urban centres in all jurisdictions. It is estimated that 0.4% of persons over 15 years of age are probably infected with the virus, although that proportion rises to 12% among men who engage in sex with another man, 7% among injectable drug users, 6% among sex workers of either sex, and 34% among transsexual persons [...]. Of new infections diagnosed in the last two years, two thirds were men, on average they were 36 years of age in the case of men and 33 in the case of women; 20% were under 24, and 21% older than 45; 35% lived in the Metropolitan Area of Buenos Aires, rising to 67% when the rest of the central region of the country is considered. 48% of the men and 63% of the women had not completed secondary school. 89% of the women and 86% of the men had been infected during an unprotected sexual relation (p.71).

In the framework of Argentina's commitment to the MDGs, our country set a target of reducing 10% of HIV prevalence among pregnant women between 15 and 24 years of age, between 2005 and 2015. The latest figure available on this was 0.36% in 2006, close to the target of 0.32% set for 2015. In addition, the incidence of vertical transmission from mother to child, dropped from 329 children infected in 1995 to 100 in 2009.

The different actions on primary and secondary prevention of HIV/AIDS are coordinated by the Department of AIDS and Sexually Transmitted Diseases of the National Ministry of Health. They include:

- The distribution of 60 million condoms per year at 2,600 fixed outlets installed in different places in the country.
- The production, dissemination and distribution of new graphic materials and tools for the work of civil society teams and organizations (leaflets and posters "preventive briefcase", guides, dispensation of condoms).
- The creation of specialized consulting units to improve access to health among sexually diverse population groups.

[64] *Source*: http://www.msal.gov.ar/plan-reduccion mortalidad/pdfs/plan_operativo_reimpresion_junio2010_WEB.pdf

[65] *Source*: http://www.politicassociales.gov.ar/odm/PDF/IP2012.pdf)

- The development of voluntary, free and confidential HIV testing and different health centres.
- The delivery of antiretroviral medication to 46,000 people, 69% of whom are attended at the public health system.

Equality for women in rural areas

Article 14

As regards the situation of rural women in Argentina, the national government informs the CEDAW Committee that the country's main public policies on health, social security and education are of a universal and public nature, so they of equal access to all women whether urban or rural. Nonetheless, strengthening the commitment to apply an approach that has greater territorial equity, other plans and programmes that are not exclusively targeted on rural women but which have them as their main destinations include the following: the National Integrated Approach Plan "*Plan Ahí, en tu lugar*" [the "Here in Your Place of Abode" Plan], of the National Social Policy Council Coordination, the National Food Programme and the Pro-Vegetable Garden Programme of the National Ministry of Social Development.[66]

Another programme working along the same lines is the called "Harvest Gardens. We are sowing the future", pertaining to the Ministry of Social Development, which promotes harvest gardens to prevent and eradicate child labour through the Secretariat for Children, Adolescents and Family, in conjunction with the network of firms against child labour. The objective of these mechanisms, which function as summer centres for child development in which women workers can leave their children, consists of helping to prevent child agricultural labour in tobacco-growing rural zones, and create conditions for equal opportunities between women and men who work in the tobacco harvests.[67]

To ensure that rural women have their rights upheld, the National Ministry of Agriculture, Livestock and Fishing, issued Resolution 255/07 creating the National Family Farming Register (RENAF), the objective of which is to maintain complete, reliable, trustworthy and up-to-date information on producers who are the targets of government actions and services for the family farming sector. The instruments to survey these data were designed with a gender focus. The information compiled as of 2013 shows that 47% of all family farmers are women, and that 44% of organized family farmers are women. In these organizations, of the total number of persons occupying senior posts, 31% are women (President) the next post down (Vice President) 35%, and the third post in the importance (Treasurer) 45%. In relation to urban property, in the northwestern region of Argentina just 4-6% of proprietors are women. Although the legal provisions regulating land ownership give equal

[66] Plan Ahí, *Source*: http://www.desarrollosocial.gob.ar/planahi/157

[67] *Source*: Ministry of Social Development of the Nation: "Over 620 children of between one and eight years of age will participate in 10 harvest gardens operating from Monday to Friday from 8 a.m. to 6 p.m. in schools of the localities of La Merced, El Jardín, El Bordo, Rosario de Lerma, Coronel Moldes, Chicoana and la Viña in the province of Salta, and Coronel Arias, Pericó and Chamical, in the province of Jujuy."

inheritance rights to men and women, gender biases continue to legitimize male concentration of land ownership.

The Argentine Government has placed special emphasis on family farming and that of small and medium-scale producers, the key actors in which are women. On this point, we inform the CEDAW Committee that the secretariat in question has a gender unit, which continues to implement support activities for rural women. Its also adopts gender mainstreaming as a strategy for achieving equal opportunities, based on the detection of differences and gaps in access to, and use and control of, natural, productive and social resources. In that regard, and to identify correct equity policies, the MAGYP has embarked on research using quantitative data on the gender gaps in the rural sector through the Rural Change Unit. Key materials for the dissemination of the rights of rural women and publications on gender include the following:

- Gender and rural property – second edition– UCAR 2013
- Gender and rural property in the NOA– UCAR 2013
- Rural development from the gender perspective – Practical guide for rural technical workers–UCAR 2014

The application of affirmative action measures succeeded in increasing women's participation in the different institutional mechanisms, in the framework of the Specialized Meeting on Family Farming (REAF) of MERCOSUR, which has the particular feature of meeting in civil society forums (family farming organizations) and in government forums (ministries of agriculture). Funding was provided for participation by two persons per organization, with a requirement of one man and one woman. In the event of the woman being unable to participate, only one person was financed; this measure guaranteed, from the outset, 50% of women family farmers participating in the policy discussions addressed in the REAF forums.[68]

In terms of new institutions introducing policies on gender and indigenous peoples, for the first time in the agricultural domain, recognition is given to indigenous peoples through the creation of the Indigenous Peoples Directorate, attached to the Family Farming Secretariat in the National Ministry of Agriculture, Livestock and Fishing (MAGYP), the director of which is a woman of Mapuche origin.[69]

Education of rural women

With regard to education in rural areas, 22.7% of women and 17.5% of men had completed the secondary level or better in 2001, so the percentage of women with a higher level of education exceeded that of men by 30%. By 2010 these levels were 33.6% and 24.7%, respectively, which means the gap in favour of women has widened to 36%.

[68] *Source*: http://www.minagri.gob.ar/site/agricultura_familiar/ Mercosur Strengthening Programme — Specialized Meeting on Family Farming (REAF)

[69] *Source*: National Ministry of Agriculture, Livestock and Fishing. (2013). Course on the formulation of projects for indigenous youth from the NEA region which lasted six months and focused on five ethnic groups from the North; women and men participated in equal numbers. This experience was repeated in Patagonia, with the same participation levels.

In rural areas, 22.7% of young women and 10.4% of older women had secondary/poly-modal education complete or better in 2001, such that young people surpassed older women by 119%. In 2010, 33.6% of young women and 17.1% of older women had completed or surpassed secondary level, thereby closing the generational gap to 96%.

In more sparsely populated rural areas, where the percentages of both young and older women with secondary/poly-modal education complete or better, are well below those observed in more compact rural zones, the generational gap fell from 133% in favour of young women in 2001 to 102% in 2010.

38.7% of young rural women and 35% of young rural men claim to use a computer, denoting a difference of 10% in favour of women. Although at lower levels (31.4% and 28.5% for young women and men, respectively) in sparsely populated rural zones, the gap also favours women by 10%. It should be noted that the *Conectar Igualdad* programme has both urban and rural coverage in secondary schools and agricultural technical schools.

The National Telecommunications Plan "*Argentina conectada*" which is part of the "Satellite Collectivity Plan" installed digital-satellite TV in rural primary schools and schools on the border; about 11,500 rural schools had been covered by the end of the plan. This had a major impact on students in rural schools.[70]

Legislative progress

As the main legislative advance, the Argentine Government notifies the CEDAW Committee of National Law 26.727, the Rural Labour Act, which represents a significant step forward and a milestone that puts an end to a law dating back to the military dictatorship. It represents a total change in the system for contracting workers, particularly seasonal workers who are the most vulnerable in the rural sector.[71]

Rural workers are included with full rights in the Labour Contract Act. The law recognizes minimum pay rates determined by the National Council on Agricultural Employment, which cannot be less than the minimum vital and mobile wage; the working period may not exceed eight hours a day and 44 hours a week from Monday to Saturday at 1 p.m., as reported to the Committee in articles 11 and 13 of this national report.

As regards women, the new legislation provides for longer leave periods and explicitly recognizes maternity leave for temporary workers and parental leave following childbirth as an extension of rights that were not previously considered. Both male and female workers will be entitled to ordinary retirement at 57 years of

[70] *Source*: Plan Argentina Conectada 2010-2015 .http://www.argentinaconectada.gob.ar/arg/258/15141/plan-de-accion-2010-2015.html

[71] This law No. 26.727, passed on 12 December 2011 constitutes the most significant step forward in rural legislation since the rural labourer statute, which was promulgated in 1944 when General Juan Domingo Perón was Secretary for Labour, and the Harvesters Law which complemented that legislation in 1947. It is the most far-reaching political and legislative event. The National Register of Rural Workers and Employers (RENATRE) was also replaced, and became the National Register of Agrarian Workers and Employers (Renatea), which functions within the jurisdiction of the Ministry of Labour.

age, without gender distinction, provided they have completed 25 years of service, with contributions.

As another legislative advance, we report that a draft law on family farming is currently going through Parliament, which institutionalizes the gender perspective in all strata, and introduces the following objectives into article 4 of its regulatory text: "to contribute to eliminating gender gaps and stereotypes, ensuring equal access between men and women to the rights and benefits provided by this law, adapting practical actions and implementing specific policies of recognition in favour of the women of family farming."

Article 15

97. Men and women in Argentina have total equality of rights, including in respect of all of the issues considered in this article.

Article 16

98. Men and women in Argentina have total equality of rights, including in respect of all issues considered in this article. Cf. the Egalitarian Matrimony Act and reform of the Civil Code as detailed in Articles 1, 2 and 3.

Replies from the Argentine Government to other recommendations:

99. **Women deprived of freedom**: In relation to Recommendation 28, in 2010 Argentina welcomed the approval by the United Nations General Assembly of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), since these complement those established at the time by the standard minimum rules for the treatment of prisoners and the Tokyo Rules. These instruments serve as the general framework for national regulations on this subject.

100. Also in 2010, the Ministry of Justice and Human Rights created the Executive Council on Prison Gender Policies, which approved the design and implementation of the Gender Programme in the Federal Prison Population, in Federal Prison Service (SPF) establishments, with the aim of guaranteeing a full gender approach that reduces the damage caused to these women by their imprisonment, enables them to enjoy all of their fundamental rights, and facilitates their return to the free world. The programme was declared a good practice by the Conference of Ministers of Justice of Ibero-American Countries; and, in that context, it is being transferred to the prison administrations of Guatemala and Paraguay.

101. In particular, with the aim of preserving the intimacy and dignity of visitors, a system of electronic trace detection equipment has been implemented in federal prisons, for the purpose of detecting metals, explosives, or narcotics, complemented by hand-held detection devices, which replaced the old manual search of persons.

102. In 2012, the National Ministry of Health created the Programme of Health in Prison Settings, dependent on the Community Medicine Department in the purview of the Under-Secretariat for Community Health, which among other things, promotes the guidelines set out below:

- Prevention, diagnosis, assistance and treatment for pregnant women: bearing in mind that practices that occur in prison settings are in themselves a health

risk for the mother and child. The programme promotes awareness among professionals, by providing pregnancy care workshops for prison inmates and staff; and the coordination of prior contacts between the pregnant woman and the health provider, where the childbirth process and the newborn baby will be cared for, to establish a relationship of knowledge and trust.

- Counselling service on sexual and reproductive health: with a comprehensive strategy based on sexual and reproductive rights. Educational actions are promoted in visits through which women in prison develop a healthy sexual life and exercise their sexual and reproductive rights.

- Prevention, diagnosis, assistance and treatment of cervical-uterine cancer: workshops are held on the prevention of cervical-uterine cancer, together with pre-and post-Papanicolau test counselling services, which are offered to all women entering a prison unit, respecting principles of confidentiality, autonomy and informed consent.

103. The most important data arising from the last prison census conducted in 2013 by the National Criminal Policy Department in terms of criminal justice and legislation of the Ministry of Justice and Human Rights, are listed below. Under Law 25.266, this Department is responsible for compiling official statistics on criminality and the functioning of the criminal justice system in the Argentine Republic. For that purpose, the National System of Statistics on the Enforcement of Sentences (SNEEP) operates within the department, which aims to annually compile information on persons imprisoned for a criminal offence. It thus fulfils the objective of maintaining rigorous and up-to-date official information on the national prison situation, with a view to designing and evaluating public policies on the subject. This system, which is implemented on the basis of a census in all prison units in the country, represents the official statistics on the country's prison system and includes disaggregated information on each person held in custody.

104. As of 31 December 2013, there were 2,839 women being held in the various penal detention units across the country. This represents 4% of all persons serving custodial sentences, since there were 61,270 male prisoners. In relation to the characteristics of this population group, most of them are women under 34 years of age, and the main offence for which they are convicted is violation of the narcotics law. In addition, about 80% of women with a conviction were not reoffenders.

	Annual trend of the female prison population											
Year	*2002*	*2003*	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*
	2 402	2 294	2 621	2 172	2 791	2 804	2 807	2 633	2 719	2 911	2 854	2 839

Details and characteristics of the 2,839 women held in custody in late 2013.

- 73.2% (2,079) are held in provincial prisons, and 26.8% (760) in the Federal Prison Service (SPF). In the latter, 41% (292) of the female inmates are convicted, and 59% (468) are awaiting sentencing. In contrast, in the provincial prisons, on average 37.2% (774) of women inmates are already convicted, and 62.8% (1,305) are awaiting sentencing. Of all female prisoners, 9.3% are serving life sentences (10.85% in provincial prisons and 5.1% in federal prisons).

- 85% of women prisoners in all prison establishments across the country are of Argentine nationality. The 14.3% of women prisoners who are foreign are mostly held in the SPF and are Bolivian (4%), (Paraguayan (3%) and Peruvian (2.2%).
- In terms of schooling, 35.4% have primary education complete, 21.5% have secondary incomplete, 19.8% primary incomplete and 11.7% secondary complete; while 3% did not attend any formal education, and a minority of the population have tertiary or university level education complete (2.6%) or incomplete (2.2%). In this context, 44% did not participate in any education programme, 37% participated in some formal education programme (primary level 173%, secondary 17.1%, tertiary 0.4%, and university 2%), and 16.5% attended an informal education course.
- 28.1% do a paid job for up to 40 hours per week, 11.8% up to 20 hours, 6.4% up to 30 hours, and 14.9% up to 10 hours per week. Moreover, 41% participated in some form of labour training or skill development, whereas 56.6% did not do so.
- 67% participated in some type of recreational or sporting activity, whereas 30.5% did not; and 89.9% received some type of medical assistance while 4% received none.
- During the last year, 89.2% received visits, and 10.4% did not.
- 0.95% attempted suicide and 8.5% suffered some type of injury: 2.6% from acts of violence with another inmate, 0.7% from acts of violence involving prison staff, and 5.8% for other reasons.
- 24.5% were found guilty of some type of offence (60.8% serious, 26.7% moderate, and 10.3% minor). Of the sanctions applied, 44.6% of cases were subject to solitary confinement for up to 15 continuous days, or solitary confinement for up to seven weekends; and 18.1% of cases involve partial or total suspension of regulatory rights, in 15.2% of the cases and exclusion from common activity for up to 15 days in 10.7% of the cases, among the most frequent.
- Lastly, 5.8% of women held in prison—without a breakdown between federal and provincial prisons—had their children living with them.

105. In the case of women living with their children in prison, in 2009, Law 26.472 amended Law 24.660/96 on the Enforcement of Prison Sentences, henceforth allowing judges to consider the possibility of home detention for pregnant women and/or mothers looking after children under five years of age.[72]

106. **Legislation controlling tobacco consumption**: In relation to Recommendation 40, Argentina approved the WHO Framework Convention on Tobacco Control but did not ratify it. Nonetheless, a very wide range of regulations are in force at the national, provincial and/or municipal levels restricting or banning smoking and/or regulating tobacco advertising, in particular Law 26.687/2011, regulating the publicity, promotion, consumption of tobacco products.

[72] *Source*: http://www.infoleg.gob.ar/infolegInternet/anexos/145000-149999/149566/norma.htm

107. **Beijing + 20 Report**: Argentina submitted its Report on the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the 23rd special session of the General Assembly (2000) in the context of the 20th Anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action, 2015. The report in question surveys the status and the public policies developed in each of the 12 critical areas of concern listed in the Beijing Platform.[73]

108. **Millennium Development Goals**: In relation to Recommendation 48, Argentina is celebrating achievements on educational equity and the political participation of women — targets which the Millennium Development Goals set for achieving gender equality. Nonetheless, our country believes the formulation in question did not encompass other fundamental areas of structural inequality between men and women and the full exercise of their rights. For that reason, Argentina considers that substantive equality between men and women — in all of its dimensions, which encompass issues such as the elimination of all forms of violence against women, sexual and reproductive rights, and the recognition of reproductive work and care tasks, among other critical issues — is a priority objective of the Post-2015 Development Agenda; and it is expressing this view in the different international forums in which it participates. It also believes that the main basis of the Post-2015 Development Agenda should arise from the Sustainable Development Goals recently agreed upon by the States parties of United Nations, following the recent adoption of General Assembly resolution 68/309.

---

[73] *Source*:
http://www.cepal.org/12conferenciamujer/noticias/paginas/7/49917/Argentina_INFORME_NACIONAL_CNM.pdf